

**RULES FOR ADMINISTRATION OF CHAPTER 2.175 OF
THE LOS ANGELES COUNTY CODE PERTAINING TO POSTGOVERNMENT
EMPLOYMENT AND LOBBYING ACTIVITIES OF COUNTY OFFICIALS**

RULE 1 - AUTHORITY AND PURPOSE

1.01 Rules prescribed. In accordance with Chapter 2.175 of the Los Angeles County Code, the Los Angeles County Board of Supervisors does prescribe and approve these rules.

1.02 Purpose. These rules are prescribed for the purpose of the administration of the provisions of Chapter 2.175 of the Los Angeles County Code, relating to postgovernment employment and lobbying activities of county officials.

RULE 2 - DEFINITIONS

Unless otherwise specified or required by the context, words used in these rules have the following meanings. Words used in the masculine gender include the feminine and neuter.

2.01 “Appearance or communication” means appearing as a witness, attending a meeting, conversing in person or by telephone or other means, or corresponding in writing including, but not limited to, electronic mail.

2.02 “Attempt to influence” means to support, promote, oppose, or seek to modify or delay a county decision or action, including to provide or use persuasion, information, statistics, analyses or studies, and, for purposes of the permanent lobbying ban of Los Angeles County Code section 2.175.030(A), attempt to influence also means to assist another person in doing any of the foregoing. Attempt to influence, however, does not include the following instances in which a county official:

- A.** Represents himself or his immediate family, in their individual capacities, in connection with any matter pending before a county agency, and such representation is without compensation;
- B.** Acts as an elected or appointed officer of another government agency, solely in an official capacity;
- C.** Participates as a panelist or formal speaker at a conference or similar public event for educational purposes or to disseminate research, and the subject matter of the conference or event does not pertain to a specific county decision or action;

- D. Attends a general informational meeting, seminar, or similar event;
- E. Requests information concerning any matter of public record; or
- F. Communicates with the press.

2.03 “Compensation” means the receipt of monetary or non-monetary payments such as salary, wages, fees, partnership or other similar interests or other payment or reimbursement, for services or time of the person.

2.04 “County agency” means any department, office, board, commission, or other agency of the County of Los Angeles. For purposes of the one-year lobbying restriction of Section 2.175.020 of the Los Angeles County Code, the county agency of a former employee of a member of the board of supervisors is deemed to be all supervisorial districts, each supervisor, or the board of supervisors in its entirety.

2.05 “County decision or action” means a vote on a matter, appointment of a person, obligation or commitment of a county official’s agency to a course of action, entry into any contractual agreement on behalf of a county agency, or determination not to act on a matter, where the county agency or official is charged by law with making a final decision or taking final action on the matter. A county decision or action does not include a ministerial action.

2.06 “County official” means a member of the board of supervisors, the sheriff, the assessor, the district attorney, and any county employee or member of a county board or commission required to file a statement of economic interests pursuant to the Political Reform Act of 1974, as amended.

2.07 “Direct communication” means appearing as a witness before, conversing with (by telephone or other means or in person), corresponding with (including, but not limited to, electronic mail), or answering questions or inquiries from, any county official, either personally or through an agent who acts under one’s direct supervision, control, or direction.

2.08 “Enforcement officer” means the person who has been delegated with the power to enforce the provisions of Chapter 2.175 of the Los Angeles County Code.

2.09 “Executive officer” means the executive officer of the board of supervisors.

2.10 “Final decision or action” means a conclusive determination, disposition, or resolution of a matter by a county agency or official.

2.11 “Hearing officer” means the person appointed by the executive officer to conduct administrative hearings. The hearing officer shall not be the enforcement officer or his immediate supervisor.

2.12 “Matter” includes, but is not limited to, a county ordinance, motion or resolution of the board of supervisors, and a proceeding involving the granting, denial, modification, amendment, or revocation of a permit, entitlement, license, franchise, grant, or contract, or the sale or purchase of goods or property (real or personal).

2.13 “Ministerial action” means any action that is solely ministerial, manual, or clerical, i.e., an action that does not require a county agency or official to exercise discretion concerning any outcome or course of action.

2.14 “Negotiating” means interviewing or discussing an offer of employment with a prospective employer or his agent.

2.15 “Pending” means that no final decision or action on the matter has been taken by the county agency or official, or the matter has not otherwise concluded or been completed, or expired or been terminated pursuant to its terms or under applicable law.

2.16 “Person or entity” means any natural person, business entity, trust, corporation, association, committee, or any other organization or group of persons acting in concert.

2.17 “Personally and substantively participating” means making or voting on a decision, or making a recommendation or rendering advice, including conducting research or an investigation, directly or indirectly, to a decisionmaker.

2.18 “Prospective employer” means a person or entity with whom a county official is negotiating, or has an arrangement concerning, future employment or the promise of income.

2.19 “Responsible person” means a person responsible for, or alleged to be responsible for, a violation of Chapter 2.175 of the Los Angeles County Code.

2.20 “Specific matter” means a particular matter including a decision, proceeding, claim, contract, legislation or other specific matter, which involves, or is under consideration by, a county agency. For purposes of enforcement of Los Angeles County Code section 2.175.030, a specific matter is one that is pending before a county agency; one to which the county is a party; one in which the county has a direct or substantial interest; or any combination of the foregoing. In determining the

applicability of Los Angeles County Code section 2.175.030, the concept of “specific matter” is to be interpreted to refer to the particular contract, license, permit, entitlement, ordinance, policy, transaction or other matter and any actions related directly to that matter, such as amendment, extension, termination or enforcement, in which the former official participated. It is not to refer, for example, to future contract solicitations, subsequent applications for permits or other entitlements, or future policies related to the same subject. It is also not to be interpreted to necessarily preclude representation by the former official on behalf of individuals or entities which may be governed by a policy or ordinance in which the official participated. Further, it is to be interpreted to distinguish between, and allow for, a former official’s application of his “expertise” on a subject to advocate for or advise clients on an issue, versus his involvement in a specific policy decision that involved deliberation, decision or action focused upon the interest of specific persons or discrete and identifiable class of persons.

2.21 “Violator” means a person found to be in violation of Chapter 2.175 of the Los Angeles County Code.

RULE 3 - ADMINISTRATION

3.01 Executive officer. The executive officer shall have the following duties:

- A.** The executive officer, in conjunction with the auditor-controller, shall investigate any complaints of violations or allegations of actual or potential violations of Chapter 2.175 of the Los Angeles County Code.
- B.** The executive officer is the enforcement officer for determination and imposition of any administrative fines to be issued for any violation of Chapter 2.175 of the Los Angeles County Code.
- C.** The executive officer will provide representation, directly or in conjunction with other county departments, on behalf of the county before the administrative hearing officer.
- D.** The executive officer shall prepare procedures and protocols for the enforcement of the provisions of Chapter 2.175 of the Los Angeles County Code.
- E.** The executive officer may propose amendments or other modifications to these rules, which shall be presented to the board of supervisors for its consideration and approval.

- F.** The executive officer may develop any forms, guidelines, or other informational materials necessary or convenient for implementation of the provisions of Chapter 2.175 of the Los Angeles County Code.

3.02 Designation of other persons to act. The executive officer may designate one or more assistants, deputies or other persons in the department to act for the executive officer.

3.03 Requests for advice. The executive officer may refer requests for advice to the county counsel for appropriate review and response.

RULE 4 - REVIEW AND DETERMINATION BY EXECUTIVE OFFICER

4.01 Review and investigation. The executive officer, in conjunction with the auditor-controller, shall timely process, review, investigate complaints of violations or allegations of any actual or potential violation(s) of Chapter 2.175 of the Los Angeles County Code, and when appropriate, issue a notice of violation, notice of administrative fine, and/or notice of noncompliance, as provided for in Chapter 1.25 of the Los Angeles County Code and the operational procedures developed by the executive officer.

4.02. Relevant factors. In determining whether to issue a notice of violation and/or notice of administrative fine, the executive officer shall consider all relevant circumstances including, but not limited to, the following:

- A.** The nature and extent, number, or frequency of violation(s);
- B.** The presence or absence of any intention on the part of the violator to conceal, deceive or mislead;
- C.** Whether the violation was deliberate, negligent or inadvertent;
- D.** Whether the violator sought and relied on advice from an attorney, or a county agency or official such as the county counsel;
- E.** Whether the violation was an isolated incident or part of a series or pattern of violations;
- F.** Whether the violator has any prior history of violations of county ordinances or rules, or other laws;

- G.** Whether another public entity has determined that the violator engaged in prohibited conduct similar to that specified in Chapter 2.175 of the Los Angeles County Code;
- H.** The degree to which the violator cooperated fully during the investigation by the executive officer or auditor-controller, including, but not limited to, disclosure of all pertinent information known to the violator;
- I.** The degree to which the violator cooperated with the executive officer to remedy a violation; or
- J.** Other factors that are appropriate to the circumstances of the particular case.

4.03 Decision final unless hearing requested. Unless a responsible person makes a timely request for an administrative hearing to contest the imposition of the administrative fine and/or noncompliance fee, the notice of administrative fine or notice of noncompliance fee shall constitute the final administrative order of the county.

4.04 Other enforcement actions not precluded. Issuance of a notice of administrative fine or notice of noncompliance fee, or both, and/or payment thereof, does not preclude the executive officer from taking any other enforcement action in response to a code violation or from making referrals to the district attorney for the filing of a criminal complaint or to the county counsel for the filing of a civil enforcement action.

4.05 Limitations period. The executive officer may not initiate enforcement proceedings pertaining to a violation of any provision of Chapter 2.175 of the Los Angeles County Code, nor may any civil or administrative action alleging a violation of such provision be filed, if four years or more have passed since the date of the violation.

RULE 5 - ADMINISTRATIVE HEARING

5.01 Request. Any responsible person served with a notice of administrative fine and/or notice of noncompliance fee may request an administrative hearing before a hearing officer to contest the imposition and/or the amount of the administrative fine and/or the noncompliance fee, as provided for in Chapter 1.25 of the Los Angeles County Code and the operational procedures developed by the executive officer.

5.02 Hearing. Upon receiving a timely request in proper form, the executive officer shall schedule an administrative hearing before a hearing officer and provide notice thereof to the responsible person(s), and a hearing shall be conducted by the

hearing officer, in accordance with Chapter 1.25 of the Los Angeles County Code and the operational procedures developed by the executive officer. Failure of the responsible person(s) to appear at the administrative hearing shall constitute an abandonment of the hearing request and a failure to exhaust administrative remedies to judicially challenge the imposition of the administrative fine and/or the imposition of the noncompliance fee.

5.03 Decision. After conclusion of the hearing, the hearing officer shall issue a written decision to confirm or cancel the administrative fine and/or noncompliance fee, or to reduce the amount of the administrative fine and/or noncompliance fee. The decision shall include a statement of the reasons for the decision, which shall be consistent with the applicable provisions of Chapter 2.175 of the Los Angeles County Code and these rules. The decision shall also inform the responsible person(s) of the availability of judicial review of the decision. The hearing officer's written decision shall constitute the final administrative decision of the county.

RULE 6 - APPLICABILITY

6.01 Applicability. The provisions of Chapter 2.175 of the Los Angeles Code shall not apply to any county officer who terminated his county employment prior to the effective date of the ordinance. However, any person returning to county employment on or after the effective date shall be subject to the aforesaid provisions.